



**Mick Gentleman MLA**

MINISTER FOR PLANNING  
MINISTER FOR COMMUNITY SERVICES  
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS  
MINISTER FOR CHILDREN AND YOUNG PEOPLE  
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Brendan Smyth MLA  
Chair  
Standing Committee on Public Accounts  
Legislative Assembly for the ACT  
PO Box 1020  
CANBERRA ACT 2601



Dear Mr Smyth


***REVIEW OF THE AUDITOR-GENERAL'S REPORT NO 3 OF 2013: SINGLE DWELLING  
DEVELOPMENT ASSESSMENTS***

Thank you for your letter of 14 October 2014 seeking an update on the Environment and Planning Directorate's progress in implementing all of the recommendations from the above report.

I am pleased to advise that all 14 recommendations have now been implemented, or implementation is underway, by my Directorate. The attached summary report is attached for the information of your Committee.

Please let me know if there is any further information I can provide to the Committee in relation to its consideration of the Auditor-General's report.

Yours sincerely



Mick Gentleman MLA  
Minister for Planning  
19 November 2014

ACT LEGISLATIVE ASSEMBLY

## EPD Management Action Plan - Auditor-General's Single Dwelling Development Assessments May 2014

Rec No	Recommendation	EPD Actions	Status
1	The Environment and Sustainable Development Directorate should modify its eDevelopment application form so that applicants indicate if their development has been assessed under the Development Application exemption process.	A new question (check box) has been included on the DA form. These DAs will be entered onto a spreadsheet to monitor progress.  The field in the DA form will be fully automated in the next release of eDevelopment in 2015	IMPLEMENTED
2	The Environment and Sustainable Development Directorate should improve its ability to meet statutory timeframes by not accepting the lodgement of a Development Application whose material is unsuitable for conducting an assessment.	This practice is currently in place through the completeness check process.	IMPLEMENTED
3	The Environment and Sustainable Development Directorate should implement a process for assessing officers to communicate breaches of legislation to the Investigations Team for investigation.	A Work Instruction for the communication process has been created for assessing officers to communicate potential breaches of legislation to the Investigations Team for their attention.	IMPLEMENTED
4	The Environment and Sustainable Development Directorate should identify and promote ways to improve the training of certifiers, particularly when changes occur in planning legislation and building codes, as now allowed for under Section 104B(1) of the <i>Construction Occupations (Licensing) Act 2004</i> .	Regular seminars for Certifiers are conducted, and the effectiveness of the training requirements under this recommendation will be reviewed by June 2015.	UNDERWAY
5	The Environment and Sustainable Development Directorate should require building surveyors and works assessors (certifiers) to submit a minimum level of documentation, such as a checklist, in relation to Development Application exemption assessments.	The Planning, Building and Environment Legislation Amendment Bill 2014 (No 2) includes provisions to reinforce documentation and decision responsibility requirements for building certifiers, building surveyors and works assessors. The bill was passed by the Legislative Assembly on 21 October 2014. The Act will be notified and commence on 5 November 2014.	IMPLEMENTED

Rec No	Recommendation	EPD Actions	Status
6	<p>The Environment and Sustainable Development Directorate should improve its publicly available information on certifiers and the Development Application exemption assessment process by:</p> <p>a) including on its website, information that explicitly defines the role and responsibilities of a certifier and states when a homeowner needs to engage a certifier; and</p> <p>b) providing certifiers with standard information to be included on their websites defining the role of certifiers.</p>	<p>A new publication entitled 'Building in the ACT' A consumer guide to the building process (October 2014) has been published on the Directorate's website.</p> <p>The guide provides information about:</p> <ul style="list-style-type: none"> <li>• The Construction Occupations Registrar</li> <li>• Development Applications</li> <li>• Exempt Development</li> <li>• Building Approvals</li> <li>• Building Certifier's role, fees, inspections etc</li> <li>• Choosing a builder</li> <li>• Building contracts, payment arrangements, statutory warranties and residential building insurance</li> <li>• Building disputes</li> <li>• Completion processes</li> </ul>	<b>IMPLEMENTED</b>
7	<p>The Environment and Sustainable Development Directorate should improve its auditing of Development Application exemption assessments by:</p> <p>a) continuing to develop and implement a system for targeting audits; and</p> <p>b) including audits to determine if a certifier's decision to assess a development as exempt is correct.</p>	<p>Commencing 1 July 2014, audits are now being undertaken of exempt development for class 1(a) and associated class 10 buildings that were determined to be exempt from requiring development approval. The number of audits to be undertaken in the 2014/15 program will be 75. The audit program for exempt development beyond this period will take into account the initial programmed audit findings</p>	<b>IMPLEMENTED</b>
8	<p>The Environment and Sustainable Development Directorate should assess the effectiveness of its new enforcement policy for managing complaints to determine if it has reduced the Directorate's workload. The Minister should be consulted to determine whether complaints made to him should also be subjected to the enforcement policy.</p>	<p>The enforcement policy is in place and will be monitored and reported on by December 2014. Ministerial complaints are also encapsulated by EPD's complaints framework to ensure consistency of approach.</p>	<b>IMPLEMENTED</b>
9	<p>The Environment and Sustainable Development Directorate should develop an investigations monitoring system, which is guided by policies and procedures, and includes a regular review of the progress and results of investigations and complaints.</p>	<p>The COMTRAC system (investigation and complaints monitoring) is operational The system has flags and reminders built into it to enable effective tracking of the progress of matters under investigation.</p>	<b>IMPLEMENTED</b>

Rec No	Recommendation	EPD Actions	Status
10	<p>The Environment and Sustainable Development Directorate should review and report to the Minister on the merits of:</p> <p>a) increasing penalties for a certifier's non-compliance with relevant Acts and codes; and</p> <p>b) Publicly reporting the demerit points of certifiers.</p>	<p>a) Increased penalties were implemented as part of the recent interim legislative amendments to the Building Act. This will also be included for assessment in the Building Act review changes proposed for 2015</p> <p>b)Public notification of demerit points is a sensitive issue, but it will be canvassed in the discussion paper for the Building Act review due for release in <b>late 2014 /early 2015</b></p>	<b>IMPLEMENTED/ UNDERWAY</b>
11	<p>The Environment and Sustainable Development Directorate should develop and implement a peer review quality control process for Development Application Merit Track assessments to help achieve correct decisions.</p>	<p>A peer review checklist has been created and is required by the Standard Operating Procedures to be IMPLEMENTED in circumstances where the decision maker is the same as the assessing officer.</p>	<b>IMPLEMENTED</b>
12	<p>The Environment and Sustainable Development Directorate should improve the transparency of its decision-making, by requiring that assessing officers document their considerations against key mandatory rules that a single dwelling Development Application is assessed against.</p>	<p>Key mandatory rules have been identified in a single dwelling assessment report template for assessing officers.</p>	<b>IMPLEMENTED</b>
13	<p>The Environment and Sustainable Development Directorate should redesign their 'Controlled Activity' notification letter, which advises of a breach of the <i>Planning and Development Act 2007</i>, so that it is customer focused and acknowledges preceding events.</p>	<p>Current template letters have been reviewed and the letter that was the subject of the AG's recommendation (directed to lessees) has been substantially redrafted. It is included on EPD's Intelledox template system for future use.</p>	<b>IMPLEMENTED</b>
14	<p>The Environment and Sustainable Development Directorate should include risks relating to improper influence as part of its current review of its Risk Management Plan, and develop a timetable to expedite implementation of this plan.</p>	<p>Risks relating to improper influence have been included in the Risk Management Plan along with a timetable for implementation.</p>	<b>IMPLEMENTED</b>